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Letter dated 14 November 2012 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as at 5 November 2012 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Judge Vagn **Joensen**
President

12-59008 (E) 291112

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Report on the completion strategy of the International Criminal Tribunal for Rwanda (as at 5 November 2012)

[Original: English and French]

Contents

		Page
	Introduction	4
I.	Activities in Chambers	5
	A. Activities at first instance	5
	1. Judgements (annex 1.A)	5
	2. Case in judgement drafting phase (annex 1.B)	6
	3. Referrals pursuant to rule 11 bis (annex II)	6
	4. Other work in the Trial Chamber	6
	5. Status of fugitives (annex III)	7
	B. Activities at the Appeals Chamber	7
II.	Measures implementing the completion strategy	8
	A. Judicial calendar and management of proceedings	9
	B. Judges and staff management	9
	1. Judges	9
	2. Staff management and budget	10
	C. Work of the Office of the Prosecutor	10
	1. Workload	10
	2. Cooperation of the Office of the Prosecutor with Member States	12
	3. Staffing	13
	D. Cooperation between Member States and the Tribunal	13
	E. Outreach, capacity-building	14
	F. Division of Administrative Support Services	15
III.	Transition to the International Residual Mechanism for Criminal Tribunals	16
	A. Judicial functions	16
	B. Office of the President	17
	C. Registry	17
	D. Division of Administrative Support Services	18
	E. Office of the Prosecutor	19
	F. Archives	20

IV. Conclusion and updated prognosis regarding the implementation of the completion strategy . 21

Annexes

I.A Trial judgements delivered as a 5 November 2012 (54 judgements concerning 74 accused) . . 23

I.B Case where trial judgement delivery is awaited: 1 case concerning 1 accused 27

II. Referrals pursuant to rule 11 bis for apprehended accused: 4 cases concerning 4 accused — 3 referred, 1 pending appeal 28

III. Fugitives indicted by the Tribunal 29

Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("the Tribunal") formalized a strategy ("the completion strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal's progress to date in implementing the completion strategy, which has been continuously updated and developed since 2003.[1]

3. As at 5 November 2012, the Tribunal has completed its work at the trial level with respect to 92 of the 93 accused. This includes 54 first-instance judgements involving 74 accused, 10 referrals to national jurisdictions (four apprehended accused and six fugitive cases), three top-level fugitives whose trials will be before the International Residual Mechanism for Criminal Tribunals (the "Residual Mechanism"), two withdrawn indictments and three indictees who died prior to or in the course of trial. The one remaining trial judgement will be delivered before the end of 2012, and appellate proceedings have been concluded in respect of 44 persons. The remaining appeals are projected to be completed by the end of 2014.

4. In the previous reporting period, the Tribunal had referred its first case of an accused in its custody to Rwanda and had created a robust monitoring mechanism for referred cases. During the current reporting period a second decision to refer an accused in the custody of the Tribunal was rendered by the Trial Chamber in June 2012 with respect to Bernard Munyagishari. The decision to refer the case to Rwanda is currently under appeal. The appeals decision is expected to be rendered in January 2013.

5. While nine accused persons indicted by the Tribunal remain at large, none will be tried by it. The cases of six of the nine fugitives have been referred to Rwanda, while the remaining three will stand trial before the Residual Mechanism when they are arrested. Preservation of evidence proceedings under rule 71 bis have now been completed for all three who will be tried before the Residual Mechanism.

6. The transition from the Tribunal to the Residual Mechanism is now well under way since the opening of the Arusha branch on 1 July 2012. Most judicial and prosecutorial functions have already been handed over to the Residual Mechanism, and administrative services are being provided to it by the Tribunal and the International Tribunal for the Former Yugoslavia, with plans for the transition to take place on a continuous basis as the Mechanism prepares to support itself in various administrative functions.

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[1] See the reports submitted to United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 and the Tribunal's request to increase the number of *ad litem* judges sitting "at any one time". Completion strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008, 14 May 2009, 9 November 2009, 25 May 2010, 1 November 2010, 12 May 2011, 4 November 2011 and 11 May 2012.

I. Activities in Chambers

A. Activities at first instance

7. The present report covers the period from 12 May to 5 November 2012. At the beginning of the reporting period, the remaining workload of the Tribunal included three trial judgements, four cases where a decision on an application for referral to Rwanda was pending and a decision on a motion for damages, all in the context of single-accused processes. In addition, nine fugitives remained at large. During the reporting period, two judgements were delivered (31 May and 19 June); the third is expected in December 2012. The Trial Chamber also decided in favour of the four applications for referral and dismissed the motion for damages in its entirety. As a result of this, and as long as no arrests are made in the two contempt of court/false testimony cases where orders in lieu of indictments have been confirmed before 30 June 2012, all trial work is expected to be finished by December 2012.

8. In accordance with the previous report (S/2012/349), the major challenges for the coming months remain the completion of the pending case, the transition to the Residual Mechanism and the preparation of archives for the handover to the Residual Mechanism amid the continued departure of key staff. The present report shows that, despite persistent staffing challenges, the Tribunal remains on track to deliver the final trial judgement, as projected in the previous report.

1. Judgements (annex 1.A)

9. On 31 May 2012, a section of the Trial Chamber composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson, rendered oral judgement in the *Nzabonimana* case, sentencing Callixte Nzabonimana to life imprisonment after finding him guilty of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide and extermination as a crime against humanity. Nzabonimana was the Rwandan Minister of Youth and Associative Movements between April and July 1994, and had previously served as Minister of Planning. He also chaired the Mouvement républicain national pour le développement et la démocratie (MRND) party in Gitarama *préfecture* during the relevant period. Fifty-nine witnesses testified before the Chamber throughout the trial. The written judgement was filed on 25 June 2012.

10. On 19 June 2012, a section of the Trial Chamber composed of Judges Muthoga, presiding, Park and Fremr, rendered oral judgement in the *Nizeyimana* case, sentencing Ildéphonse Nizeyimana to life imprisonment after finding him guilty of genocide, extermination as a crime against humanity, murder as a crime against humanity and murder as a war crime. The charges of rape as a war crime and rape as a crime against humanity, as presented in the indictment, were dismissed. Nizeyimana was a captain at the military training school in Butare during the events charged in the indictment. The trial was one of the fastest for its size in the history of the Tribunal. Evidence from 84 witnesses was heard during the course of the trial. The written judgement was filed on 22 June 2012.

2. Case in judgement drafting phase (annex I.B)

11. Only the *Ngirabatware* case remains in the judgement drafting phase, with the judgement expected to be delivered in December 2012. During the reporting period, a section of the Trial Chamber, composed of Judges Sekule, presiding, Bossa and Rajohnson, concluded the evidence phase of the trial, hearing closing arguments from 23 to 25 July 2012. Deliberations and judgement drafting began immediately thereafter. The accused was the Minister of Planning during the relevant period and is charged with genocide or complicity in genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and rape and extermination as crimes against humanity.

3. Referrals pursuant to rule 11 bis (annex II)

12. As detailed below, throughout the reporting period and following the first referral to Rwanda in the Tribunal's history, which had taken place in the previous reporting period, four further cases were referred to Rwanda. Of these, one related to a detained accused, the *Munyagishari* case, and the other three pertained to accused at large. The referral of these and the six previously referred cases has reduced the Tribunal's workload to one trial judgement and will help it to remain on track with the current completion strategy goals for timely closure. In line with the transitional arrangements annexed to Security Council resolution 1966 (2010), the Residual Mechanism took over judicial oversight of the monitoring of all referred cases from 1 July 2012. However, it was agreed that the President and Registrar of the Tribunal would continue to administer the monitoring efforts in the *Uwinkindi* trial in close consultation with the President of the Residual Mechanism.

13. On 6 June 2012, the Referral Chamber, composed of Judges Muthoga, presiding, Park and Kam, ordered that the case of Bernard Munyagishari, arrested on 25 May 2011, be transferred to Rwanda for trial under rule 11 bis of the rules of procedure and evidence. The Chamber ordered the appointment of an independent organization as a monitor, either instead of or in addition to, the Tribunal staff who are monitoring the *Uwinkindi* case in Rwanda while negotiations with an organization to act as monitor are concluded.

14. On 20 June 2012, in referral proceedings in the *Ryandikayo* case, Judges Joensen, presiding, Arrey and Kam, ordered that the case be transferred to Rwanda. The accused, Charles Ryandikayo, remains at large.

15. On 25 June 2012, in referral proceedings in the *Ndimbati* case, Judges Joensen, presiding, Arrey and Kam, held that the case be transferred to Rwanda. The accused, Aloys Ndimbati, remains at large.

16. On 28 June 2012, in referral proceedings in the *Munyarugarama* case, Judges Joensen, presiding, Arrey and Kam, determined that the case be transferred to Rwanda. The accused, Phénéas Munyarugarama, remains at large.

4. Other work in the Trial Chamber

Special depositions pursuant to rule 71 bis

17. Evidence preservation was concluded in the previous reporting period in the case against fugitive Protais Mpiranya, and evidence preservation was concluded in

June 2012 in the cases of fugitives Augustin Bizimana and Félicien Kabuga. All three will be tried by the Residual Mechanism when arrested.

Claim for compensation

18. On 18 June 2012, a section of Trial Chamber III, composed of Judges Arrey, presiding, Park and Kam, decided on a motion for damages brought forward by the accused in the *Zigiranyirazo* case. Protais Zigiranyirazo filed an application seeking US$ 1,006,550 in compensation for his eight-and-a-half year detention before his acquittal by the Appeals Chamber. He also requested that the Tribunal issue an order compelling his relocation to Belgium. The motion was denied in its entirety. Zigiranyirazo's motion for leave to appeal or for review of the Trial Chamber's decision is currently pending before the Appeals Chamber.

Office of the President

19. During the reporting period the President issued orders and decisions on such matters as State cooperation, witness protection review, enforcement of sentences and conditions for the monitoring of referred cases.

20. On 25 July 2012, the President, in his double-hatted role as Duty Judge of the Residual Mechanism, issued orders varying protective measures in the *Kalimanzira*, *Hategekimana*, *Renzaho* and *Rwamakuba* cases. Protected victims or witnesses may consent to the rescission, variation or augmentation of protective measures, or, on the basis of a compelling showing of exigent circumstances or where a miscarriage of justice would otherwise result, the Chamber may order *proprio motu* such variances in the absence of consent.

21. During the reporting period, the President consistently met and continued to collaborate with, the Archives Unit of the Tribunal to ensure a smooth transition to the Residual Mechanism. The President participated in ongoing preparations for the launch of the Residual Mechanism, which held its opening event on 2 July 2012.

22. On 29 June 2012, the President issued formal guidelines for Tribunal staff acting as monitors of the *Uwinkindi* trial in Rwanda. The President also administered the monitoring of the *Uwinkindi* case in Rwanda by Tribunal staff and, with the Registrar, continued to pursue negotiations to reach an agreement with the African Commission on Human and Peoples' Rights to monitor the case.

5. Status of fugitives (annex III)

23. As at 5 November 2012, nine fugitives indicted by the Tribunal remain at large. However, none remain within the Tribunal's purview of responsibility, since six of the nine cases have been referred to Rwanda and the remaining three top-level fugitives will be tried by the Residual Mechanism.

B. Activities at the Appeals Chamber

24. As at 5 November 2012, appellate proceedings have been concluded in respect of 44 persons. During the reporting period, the Appeals Chamber delivered one appeal judgement concerning one person, in the *Gatete* case. The Appeals Chamber also rendered two decisions concerning referral appeals, two decisions concerning post-appeal requests and 46 pre-appeal orders and decisions.

25. The Appeals Chamber has met its projection of delivering four appeal judgements concerning four persons in 2012. Three appeals concerning seven persons are expected to be disposed of by the end of 2013, and the remaining four appeal judgements concerning 10 persons will be delivered in 2014.

26. In its judgement of 9 October 2012, the Appeals Chamber affirmed Jean-Baptiste Gatete's convictions for genocide and extermination as a crime against humanity. The Appeals Chamber also granted the prosecution's appeal and entered a conviction for conspiracy to commit genocide. Because the Appeals Chamber found that Gatete's right to be tried without undue delay had been violated, it set aside his sentence of life imprisonment and imposed a sentence of 40 years' imprisonment.

Pending appeals from judgement: seven cases

27. The trial judgement in the *Ndindiliyimana et al. (Military II)* case was rendered on 17 May 2011 and issued in writing on 17 June 2011. All five parties (the four accused persons and the prosecution) appealed. The briefing was concluded in May 2012 and the appeals are being prepared for a hearing.

28. The trial judgement in the *Nyiramasuhuko et al. (Butare)* case was rendered on 24 June 2011 and issued in writing on 14 July 2011. All seven parties (the six accused persons and the Prosecution) appealed. The last notice of appeal was filed in April 2012 and the briefing is in progress.

29. The trial judgement in the *Mugenzi & Mugiraneza (Government II)* case was rendered on 30 September 2011 and issued in writing on 19 October 2011. Two of the parties (both accused persons) appealed. The briefing was completed in May 2012, the appeals were heard in October 2012, and deliberations are in progress.

30. The trial judgement in the *Ndahimana* case was rendered on 17 November 2011 and issued in writing on 18 January 2012. Both the defence and prosecution filed their notices of appeal in February 2012 and the briefing is in progress.

31. The trial judgement in the *Karemera & Ngirumpatse (Government I)* case was rendered on 21 December 2011 and issued in writing on 2 February 2012. All three parties (both accused persons and the prosecution) filed their notices of appeal in March 2012 and the briefing is in progress.

32. The trial judgement in the Nzabonimana case was rendered on 31 May 2012 and issued in writing on 25 June 2012. Both the defence and prosecution filed notices of appeal and the briefing is in progress.

33. The trial judgement in the *Nizeyimana* case was rendered on 19 June 2012 and issued in writing on 22 June 2012. Both the defence and prosecution filed notices of appeal and the briefing is in progress.

II. Measures implementing the completion strategy

34. The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its completion strategy.

A. Judicial calendar and management of proceedings

35. The Tribunal has continued to make progress towards the completion of all trial work, and the small amount of remaining work will be completed before the end of 2012. Continued premature staff departures in Chambers, combined with unanticipated litigation, has continued to challenge the ability of the judgement drafting and trial teams to complete their work as projected. However, despite those challenges, all projections have been met during the reporting period, and the projection for delivery of the final remaining trial judgement in the *Ngirabatware* case by the end of the year remains intact. Any appeal in the *Ngirabatware* case will be handled by the Residual Mechanism since the deadline for appeals to be filed with the Tribunal was 30 June 2012. Pending Tribunal appeals remain on track to be completed by the end of 2014.

36. The Tribunal has continued to make progress towards completing its mandate. As detailed in Section III below, all organs are working diligently to facilitate the closing of the Tribunal and the transition to the Residual Mechanism. The Tribunal has continued its downsizing, and the projected date for completion of all work, apart from the liquidation of assets, remains to be the end of 2014.

37. There remains only a small amount of work to be completed by the Trial Chamber, and the transfer of judicial functions to the Residual Mechanism is nearly complete. Monitoring mechanisms are in place for the cases transferred to Rwanda pursuant to rule 11 bis and are in the process of being handed over to the Residual Mechanism. The cases of six fugitives have been referred to Rwanda, while the remaining three will stand trial before the Residual Mechanism when they are arrested. Preservation of evidence proceedings under rule 71 bis have all been completed. It is vital that the Tribunal work to retain necessary staff until the expiry of contracts, in line with the downsizing plans so that it may complete all the necessary work within current projections.

B. Judges and staff management

1. Judges

38. Currently, 11 permanent judges and three ad litem judges are working in the Trial and Appeals Chamber of the Tribunal.

39. During the reporting period, Judges Florence Rita Arrey (Cameroon), Aydin Sefa Akay (Turkey), Lee Gacuiga Muthoga (Kenya), Seon Ki Park (Republic of Korea), Gberdao Gustave Kam (Burkina Faso), and Robert Fremr (Czech Republic) left the Tribunal after completion of their final cases. Judges Khalida Rachid Khan (Pakistan) and Bakhtiyar Tuzmukhamedov (Russian Federation) were redeployed to the Appeals Chamber in March and June 2012, respectively, bringing the number of permanent judges who sit on the Appeals Chamber from the Tribunal to five.

40. On 29 June 2012, the Security Council adopted resolution 2054 (2012), permitting four judges, including the President of the Tribunal, to serve beyond the expiry of their terms of office in order to fulfil the completion strategy. Two of the three judges serving on the *Ngirabatware* bench are expected to demit office once the written trial judgement is filed in that case, and the third, Judge Sekule, is expected to be redeployed to the Appeals Chamber at that time. Due to statutory

requirements and continued duties beyond the end of the trials, the President will continue until the completion of all Tribunal appeals and the anticipated transition of all judicial functions to the Residual Mechanism at the end of 2014. The Tribunal wishes to express its gratitude to the Security Council, as well as the Informal Working Group on International Tribunals, in particular its Chair, for the swift action taken to ensure that the resolution would be adopted in a timely manner, thus helping the Tribunal to continue to meet its completion strategy targets.

2. Staff management and budget

41. As indicated in earlier reports, staff recruitment, retention and separation will continue to be major challenges throughout the completion process. Where recruitment is required, the Tribunal has difficulty attracting suitably qualified candidates, given that the work of the Tribunal will be concluded by 2014 and that only limited contractual security can therefore be provided. The Tribunal continues to experience difficulties in retaining experienced staff who, given the lack of financial incentives to stay with the Tribunal to complete their work, the few possibilities for upward mobility and the reduced contractual security, have been leaving the Tribunal to accept offers of employment elsewhere, either within or outside the United Nations system.

42. The downsizing process that began in 2008-2009 will continue in 2012-2013 with the proposed abolition of 212 posts, representing 34 per cent of the authorized 2010-2011 level. A mechanism designed to identify which individual staff members are to be separated as part of the downsizing process in a fair and transparent manner has been put in place in consultation with the Staff Association.

43. Such challenges continue to have an impact on the ability of managers to perform their regular functions, which consequently affects programme delivery. This is compounded by the fact that the reduction in staff is causing managers and staff to be required to perform an increasing range of functions. The Tribunal continues to receive the support of the Department of Management of the Secretariat, in particular the Office of the Controller and the Office of Human Resources Management, to implement mitigating strategies in line with the applicable Staff Rules and Regulations of the United Nations.

C. Work of the Office of the Prosecutor

44. The Office of the Prosecutor has continued to focus its efforts on completing ongoing trials and appeals, tracking the remaining fugitives, updating the files of the fugitives and pursuing the referral of cases to national jurisdictions, and has concluded proceedings for the preservation of evidence in respect of three high-level fugitives, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. Additionally, and in the light of Security Council resolution 1966 (2010), the Office has focused on transitional activities that will ensure a smooth transfer of functions to the Residual Mechanism, the Arusha branch of which commenced on 1 July 2012.

1. Workload

45. During the reporting period, the Prosecution Division completed its final trial — that of *Augustin Ngirabatware* — and received trial judgments in the cases of *Callixte Nzabonimana* and *Idélphonse Nizeyimana*. Both Nzabonimana and

Nizeyimana were convicted and sentenced to life imprisonment. The Trial Chamber's judgement in the *Ngirabatware* case is expected in December 2012.

46. In addition, the Office of the Prosecutor has succeeded in obtaining the referral, pursuant to rule 11 bis, of eight cases to Rwanda for trial. The referral orders in seven of those cases (*Uwinkindi*, *Sikubwabo*, *Kayishema*, *Ntaganzwa*, *Ndimbati*, *Ryandikayo* and *Munyarugarama*) are now final. The referral order in the *Munyagishari* case is not yet final because both the Prosecutor and Defence have filed appeals from the Referral Chamber's decision. A decision on those appeals is anticipated by January 2013. Two other cases (*Laurent Bucyibaruta* and *Wenceslas Munyeshyaka*) were referred to France in November 2007 under rule 11 bis and remain with the French judiciary. Significant progress in those cases has been noted during the reporting period.

47. The proceedings for the preservation of evidence in the third and last of the fugitive cases, *Augustine Bizimana*, were concluded on 25 June 2012. Consequently, the Office of the Prosecutor has handed over the files of all three key fugitives, Kabuga, Mpiranya and Bizimana, to the Prosecutor of the Residual Mechanism upon the commencement of its Arusha branch in July 2012.

48. The Investigation Section of the Office of the Prosecutor has continued its efforts to track down the remaining fugitives as well as to prepare for the handover of the investigation and tracking functions to the Prosecutor of the Residual mechanism, with effect from 1 July 2012. During the reporting period, the downsized Investigation Section continued to provide support to the remaining trials and appeals, to proceedings for the preservation of evidence and to the management of the witnesses for the Office. The Information and Evidence Support Section has been downsized since June 2012. The reduced staff is multitasking in order to service the sections of the Office. The research activity of the Information and Evidence Support Section in support of the Appeals and Legal Advisory Division and the mutual legal assistance provided to national prosecuting authorities continue to be intense. During the reporting period, the Information and Evidence Support Section was also busy preparing the records of the Office for archiving and applying the various levels of classification to those ready for handover to the Residual Mechanism. This has now been made possible pursuant to the recent promulgation of the Secretary-General's bulletin on archiving and retention criteria (ST/SGB/2012/3). Preparations for the transfer of the investigation records of the Office from Kigali to Arusha, United Republic of Tanzania, are under way and will be finalized before the end of 2012. Office records that are no longer active will be centralized in Arusha for archiving and thereafter transferred to the Residual Mechanism. Since July 2012, the evidence database containing all evidence gathered by the Office has been shared with the Office staff of the Residual Mechanism.

49. The Appeals and Legal Advisory Division has been attending, among other matters, to the rule 11 bis litigation detailed above. Additionally, the Division has been litigating 29 appeals from trial judgements rendered in eight cases, as well as three appeals in the *Munyagishari* and *Munyarugarama* rule 11 bis proceedings. It has also been actively preparing for the anticipated Trial Chamber judgement in the *Ngirabatware* case, which may generate two potential appeals before the Residual Mechanism.

50. More particularly, on 21 May 2012, the Appeals and Legal Advisory Division filed the Prosecutor's appeal brief in the *Karemera et al.* case, which involves two accused. Briefing as to one accused (Ngirumpatse) is now complete, but briefing with regard to the remaining accused's appeal (Karemera) is awaiting translation. On 29 June 2012, the Division filed the Prosecutor's notices of appeal from the Trial Chambers decisions in the *Nizeyimana* and *Nzabonimana* cases. On 12 September 2012, the Division filed the Prosecutor's opening briefs in both cases; additional briefing awaits the translation of the trial judgements into the working language of the Defence.

51. On 29 June 2012, the Appeals and Legal Advisory Division also filed the Prosecutor's brief in support of his appeal in the *Munyagishari* referral proceedings. The Prosecutor's appeal challenges only certain conditions that the Referral Chamber imposed on its referral order. On 30 October 2012, the Defence filed its brief in response to the Prosecutor's appeal, and on 5 November 2012 the Prosecutor filed his brief in reply. Further briefing on the Defence appeal will be completed in the first half of November 2012 and, as noted above, a decision is anticipated in January 2013.

52. On 7 August 2012, the Prosecutor filed his brief in response to the *Phénéas Munyarugarama* appeal before the Residual Mechanism from the decision referring his case to Rwanda. On 5 October 2012, the Appeals Chamber affirmed the referral order. The Prosecution file will be officially handed over to Rwanda in November 2012.

53. On 8 October 2012, the Appeals and Legal Advisory Division presented oral argument in the *Mugenzi et al.* appeal. Additionally, on 9 October 2012, the Appeals Chamber affirmed the Trial Chamber judgement in the *Gatete* case, upholding the accused's convictions and imposing an additional conviction for conspiracy to commit genocide. The Appeals Chamber substituted a 40-year sentence for the life sentence imposed by the Trial Chamber.

54. In addition to appeals from final judgements and sentences, the Appeals and Legal Advisory Division has continued to work on applications for post-conviction review or reconsideration, and other collateral proceedings. Following briefing by the parties, the Appeals Chamber denied, on 2 July 2012, a motion for reconsideration filed by *Ferdinand Nahimana* challenging the denial of his earlier application for the review of his 28 November 2007 conviction and sentence. Briefing in connection with the application for review filed by *Juvénal Kajelijeli* was completed during the reporting period, but the matter remains under consideration by the Appeals Chamber. During the reporting period, the Division also responded to an application for damages or compensation for the alleged violation of fundamental rights filed by *Protais Zigiranyirazo*, whose 2008 convictions in the Trial Chamber were set aside by the Appeals Chamber's 16 November 2009 judgement. On 18 June 2012, the Trial Chamber denied *Zigiranyirazo*'s motion. *Zigiranyirazo*'s motion for leave to appeal that decision to the Appeals Chamber remains pending.

2. Cooperation of the Office of the Prosecutor with Member States

55. During the reporting period, there was sustained interest from Member States in their efforts to bring to trial, within their national jurisdictions, the Rwandan suspects appearing on the International Criminal Police Organization (INTERPOL)

list of wanted fugitives. The Office of the Prosecutor continued therefore to provide mutual legal assistance and information to national prosecuting authorities, including Rwanda. While the responsibility for servicing the foreign requests for assistance has been formally moved to the Residual Mechanism since July 2012, Office staff continued discharging this responsibility in their double-hatted capacity. Requests to the Prosecutor for information from the extensive database of the Office remained at a level similar to that of the previous reporting period. The Office has responded to 40 requests received from 12 Member States. With the full complement of staff for the Office of the Prosecutor of the Residual Mechanism expected to be in place by the end of November 2012, the Tribunal's Office of the Prosecutor will formally hand over that responsibility.

3. Staffing

56. With the completion of the prosecution workload and the transfer of several functions to the Residual Mechanism, the Prosecution Division will close and its remaining staff will separate in December 2012. Furthermore, pursuant to the budget submissions of the Office of the Prosecutor of the Tribunal, several additional Office posts, including posts in the Appeals and Legal Advisory Division and the immediate Office, will be abolished in December 2012. The Office held retention review exercises in April and October 2012 to identify the staff best suited to completing the Office's remaining work.

D. Cooperation between Member States and the Tribunal

57. Efficient cooperation with Member States remains a cornerstone of the Tribunal's success in completing its mandate. This relates in particular to ensuring the arrests of the remaining fugitives, the possible referral of cases to national jurisdictions, the transfer of convicts for the enforcement of their sentences, and the relocation of acquitted persons and persons who have served their sentence.

58. The Office of the Registrar continued to act as the channel of communication between the organs of the Tribunal as well as its diplomatic arm. As such, the Office of the Registrar maintained high-level diplomatic contacts with Member States, international organizations, and non-governmental organizations. During the reporting period, the Office of the Registrar, through its External Relations and Strategic Planning Section, transmitted 71 notes verbale and other correspondence related to the operations of the Tribunal, in particular to secure support and cooperation from Member States with respect to ongoing trials as well as to serve warrants of arrest.

59. With respect to the enforcement of sentences, the Tribunal transferred four convicted persons on 29 June 2012 to Benin to serve the remainder of their sentences (Aloys Ntabakuze, Ildéphonse Hategekimana, Gaspard Kanyarukiga and Callixte Kalimanzira). On 1 July 2012, four other convicted persons were transferred to Mali to serve the remainder of their sentences (Théoneste Bagosora, Tharcisse Renzaho, Dominique Ntawukulilyayo and Yusuf Munyakazi). The relocation of convicted persons who have finished serving their sentence remains an issue of concern calling for a sustainable solution that requires the increased cooperation of Member States.

60. The Office of the Registrar, through the External Relations and Strategic Planning Section, has continued to request and obtain judicial assistance and cooperation from Member States on behalf of the defence teams.

61. Moreover, the President and Registrar have continued to deploy all efforts to find host countries for the five acquitted persons who remain in the safe houses in Arusha under the Tribunal's protection. For one of those individuals, it has been more than six years since the confirmation of his acquittal by the Appeals Chamber. The challenge to relocation results from the absence of a formal mechanism to secure the support of Member States to accept such persons within their territories. The statute of the Tribunal is silent in this respect, and the cooperation of Member States as required by article 28 of the statute does not extend to the relocation of acquitted persons. The Tribunal considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is concerned about the consequences of failing to fulfil that obligation. In the light of the imminent closure of the Tribunal and the insufficient level of voluntary Member State cooperation, and despite the assistance of the Office of the United Nations High Commissioner for Refugees and the human rights implications of the delayed relocation of acquitted persons, the Tribunal continues to struggle, and therefore once again calls upon the assistance of the Security Council to find a sustainable solution to this issue.

62. The report on the work of the Office of the Prosecutor above highlights close cooperation with regard to the arrest of fugitives, the preparation of referrals to national jurisdictions and assistance to national prosecuting authorities.

E. Outreach, capacity-building

63. During the current downsizing phase and the reporting period, the Tribunal has attracted a higher number of visitors — 804 in total. The visitors have included high-level United Nations and Government officials, academics, civil society members, non-governmental organizations and the general public.

64. In July and August 2012, Tribunal staff from the Registry, Chambers and Prosecution participated in a colloquium in Kigali aimed at sharing Tribunal procedures and experiences with the judges, prosecutors and defence attorneys who would be working on cases transferred from the Tribunal and other States. As a follow-up to the colloquium, and at the request of the Rwandan judiciary, a Chambers staff member was sent to Kigali to offer further training on judicial procedures and trial management in October 2012. Such capacity-building efforts are planned to continue throughout 2012-2013.

65. The Tribunal also provided training to the Court of the Economic Community of West African States on judicial filing and case management by staff from the Court Management Section in October 2012.

66. The Tribunal also continued to disseminate information to all national, regional and international stakeholders and organized several exhibitions and workshops on its work in Dar es Salaam, United Republic of Tanzania, Nairobi and Kigali. In addition, more than 4,000 copies of the Tribunal's cartoon book entitled "100 days: in the land of a thousand hills", which informs and teaches youth about genocide, its causes and dynamics, in particular the Rwandan genocide and the

concept of "Never again" becoming a reality, were distributed in Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. The activity was part of a major youth sensitization project conducted by the Tribunal and supported by Germany and the United Nations Office in Nairobi in the Great Lakes Region, and included an essay and drawing competition involving more than 100 schools and exhibitions and workshops organized in all capital cities in the region on the work and relevance of the Tribunal.

67. The Information and Documentation Centres scattered across Rwanda remain the flagship initiative of the Tribunal's outreach programmes in the country. The main centre in Kigali, Umusanzu Centre, continues to supervise and distribute information materials on the Tribunal to the above-mentioned provincial centres as part of the Tribunal's legacy.

68. From 14 May to 7 June 2012, with funds from the Department of Public Information of the Secretariat, the Tribunal continued to conduct awareness-raising programmes regarding lessons learned from the genocide of 1994. The programmes were successfully implemented in Rwanda's major prisons, benefiting about 20,000 inmates.

69. Capacity-building activities for legal professionals in Rwanda continued to be provided during the reporting period. A group of eight lecturers from the Faculty of Law of the Independent University of Kigali, including the dean of the faculty, were trained in online legal research methodology, learning how to access legal information and materials, including the Tribunal's jurisprudence.

70. A group of more than 100 legal professionals from different Government institutions undergoing a diploma course in legislative drafting at the Institute of Legal Practice and Development, based in Nyanza, southern Rwanda, will be trained by a team from the Information and Documentation Centres. The training, which was held in October, focused on online legal research and its role in legislative drafting.

F. Division of Administrative Support Services

71. The Division of Administrative Support Services continued to provide administrative support to all organs of the Tribunal and to the recently launched Residual Mechanism, which is taking over the residual functions of the Tribunal. The activities described below were conducted during the reporting period with respect to the downsizing of the Tribunal.

72. The Human Resources and Planning Section continued to offer training and counselling services in addition to administering staff entitlements. The Section is continuing to prepare staff to transition to other jobs. In addition, the Section is continuously reviewing and updating the separation process in order to quicken the receipt of end-of-service benefits by the separating staff. The Career Resource Centre is continuing to provide training on the preparation of curricula vitae, on how to use the Inspira recruitment system and on interviews.

73. The Security and Safety Section continued to support the Tribunal to ensure the safety and security of its staff, premises, assets and operations through implementation of United Nations security management system policies. Close collaboration was promoted with the host Government authorities in Rwanda and

the United Republic of Tanzania. The Section continued to monitor security trends and to ensure appropriate measures against threats existing in the operating environment. It also contributed to planning activities for the commencement of the Residual Mechanism, in accordance with arrangements agreed between the Tribunal and the Mechanism.

74. The General Services Support Section continued with the services already provided but at a much reduced rate. The Section was reorganized to rationalize the functions of the Receiving and Inspection Unit, the Property Control and Inventory Unit and the supply stores. A number of offices formerly occupied by Tribunal staff were returned to the Arusha International Conference Centre in the light of the reduction in staff. In order to make more savings, some sections were moved into office containers. There has been continuous writing off of surplus items as part of the liquidation plan.

75. The Finance and Budget Section continued to prepare payments for separating staff while monitoring the rational use of funds in accordance with the approved budget, which has led to difficulties in providing services due to the limited availability of resources.

III. Transition to the International Residual Mechanism for Criminal Tribunals

76. In compliance with Security Council resolution 2054 (2012), section III details the efforts made during the reporting period in respect of the transition to the Mechanism, including projections, with concrete dates where possible, for the handover of functions.

A. Judicial functions

77. Security Council resolution 1966 (2010) and the transitional arrangements annexed thereto set out mandates for a coordinated transition of the judicial functions of the Tribunal to the Residual Mechanism on 1 July 2012, or as soon thereafter as possible.

78. Pursuant to article 2 of the transitional arrangements, the Tribunal retains competence over all appeals filed before 30 June 2012. Any subsequent appeals filed with respect to Tribunal decisions or judgements are therefore under the responsibility of the Residual Mechanism, including appeals, if any, related to the final remaining trial judgement in the *Ngirabatware* case. In accordance with the statute of the Residual Mechanism and the transitional arrangements, the Residual Mechanism will also be responsible for requests to review Tribunal judgements filed on or after 1 July 2012, trials for contempt of court or false testimony where the indictment is confirmed on or after 1 July 2012, retrials of Tribunal cases ordered on or after 1 July 2012, and the trials of any of the three remaining Tribunal fugitives once arrested. The Arusha branch Duty Judge of the Residual Mechanism (double-hatted Tribunal President Joensen) has already handled a request for the amendment of an indictment in one of the three fugitive cases. Supervision of the enforcement of sentences has also already been handed over to the President of the Residual Mechanisms.

79. The Residual Mechanism has also begun to handle requests for assistance by national authorities. So far, the Duty Judge has been assigned to handle each request as it is received by the President of the Residual Mechanism.

B. Office of the President

80. Pursuant to article 6(5) of the statute of the Residual Mechanism, judicial functions with regard to cases referred by the Tribunal to national courts, such as the monitoring of cases (with the assistance of international or regional organizations) and consideration of revocation, became the responsibility of the Residual Mechanism after 1 July 2012. Given that the resources in relation to the *Uwinkindi* case are contained in the Tribunal budget, it was jointly agreed by the Tribunal and the Residual Mechanism that during the current biennium, while the President of the Residual Mechanism would assume all judicial functions related to the monitoring of cases, the Registrar and President of the Tribunal would continue to oversee the administrative functions, in close consultation with the Residual Mechanism. The *Munyagishari* case was referred to Rwanda by a Tribunal Trial Chamber in June, but is still pending appeal.

81. The responsibility to seek relocation for acquitted persons and those who have been released after the completion of their sentences will also remain with the Tribunal for the current biennium. That decision was reached on the basis of a number of factors. In addition to budgetary considerations, it was agreed that such a task was an administrative matter that should remain with the President and Registrar of the Tribunal, with the hope that all relocation could be concluded within the current biennium. Additionally, owing to the nature of the relocation efforts, many of which have involved the personal efforts of Tribunal officials, the Tribunal and the Residual Mechanism have considered the continuity of actors within such discussions to be a key factor to the successful relocation of the persons acquitted and released by the Tribunal.

C. Registry

82. On 1 July 2012, pursuant to article 20 of the statute of the Residual Mechanism and article 5 of the transitional arrangements, the Witness and Victims Services Section of the Tribunal fully responded to the call of the Registrar of the Residual Mechanism to hand over the necessary documents and share information and best practices with a view towards facilitating a seamless transition of this function. Due to the diminishing number of cases for which the Section will remain responsible, the Tribunal anticipates that it will no longer need an entire section to deal exclusively with witness protection issues and has therefore arranged for these duties to be performed by others in the Judicial and Legal Services Division.

83. The Tribunal has continued to operate its Library, extending access and all related services to the staff and guests of the Residual Mechanism.

84. The Language Services Section, to the extent possible, has already provided some assistance to the Residual Mechanism regarding the translation of judicial filings and official documents, but is necessarily limited in its capacity to provide such services owing to the number of trial and appeals judgements that remain to be translated.

85. The External Relations and Strategic Planning Section has continued to share information and experiences with the Residual Mechanism, as needed.

D. Division of Administrative Support Services

86. The Division of Administrative Support Services has continued to offer administrative support to all organs of the closing Tribunal, while providing the requested support to assist the commencement of the Residual Mechanism. In particular, the Division ensured that facilities and services were ready for the launch of the Residual Mechanism on 1 July 2012. It provided views and offered guidance to the Residual Mechanism on matters relating to the host country agreement for the Mechanism as well as on protocol issues and dealings with the Government of the United Republic of Tanzania. The Division was also instrumental in assisting the Residual Mechanism in liaising with the Government of the United Republic of Tanzania with respect to the location of the new premises of the Arusha branch.

87. In order to comply with Security Council resolution 1966 (2010), the following activities were conducted as part of the downsizing of the Tribunal and contributed to the commencement of the Residual Mechanism:

(a) Security and Safety Section: provided registration and identification cards for staff and guests of the Residual Mechanism, and personal protection for the President and the Registrar, and handled access control for the offices. This was done in tandem with the usual provision of security services to the Tribunal;

(b) General Services Support Section: continued to provide the services that had already been offered to the Residual Mechanism prior to the reporting period. Supply stores continued to provide stationery and other expendables, and travel and shipping services continued to facilitate the travel and shipment activity of Residual Mechanism staff. The Procurement Unit facilitated the purchase of vehicles, and the Transport Unit assisted the Residual Mechanism in having its vehicles serviced by the Tribunal contractor as well as in making use of fuel cards. Building Management Services carried out the refurbishment of offices for the Residual Mechanism, involving the provision of various types of office furniture, carpets, and curtains. Building Management Services also facilitated the use of the conference facilities of the Arusha International Conference Centre for Residual Mechanism town hall meetings. Photocopiers, refrigerators, drinking water and shredders and transport facilities were provided to Residual Mechanism staff arriving in Arusha. The issuance of residence permits has been facilitated for the Registrar and other Residual Mechanism staff, and documents to facilitate the importation of vehicles for the Residual Mechanism have been prepared;

(c) Finance and Budget Unit: helped to process the payments of expenses incurred in order to help facilitate the functioning of the Residual Mechanism. Tribunal funds were dispensed to assist the Residual Mechanism in this regard, upon the provision of appropriate financial authorization from the Registrar of the Residual Mechanism;

(d) In accordance with the agreed upon division of labour between the Tribunal and the International Tribunal for the Former Yugoslavia for the initial recruitment of Residual Mechanism staff, the Human Resources and Planning Section of the Tribunal assisted the Residual Mechanism in organizing the lateral

transfer of Tribunal/International Tribunal for the Former Yugoslavia staff to the Residual Mechanism, through a competitive and open process and in compliance with the parameters established by the Office of Human Resources Management of the Secretariat. It also assisted in the recruitment process by identifying suitable Division of Administrative Support Services staff to be on interview panels and Central Review Board members to help review cases for the Residual Mechanism, and by issuing appointment letters. The Human Resources and Planning Section has assisted in staff administration by facilitating the installation of new Residual Mechanism staff at the Arusha branch;

(e) Information Technology Services Section: provided personal computers, printers and a scanner and installed desk phones, servers, access to Lotus Notes and television sets for the offices of various senior Residual Mechanism officers. Discussions have also been initiated and are ongoing with regard to developing an integrated information technology infrastructure for both branches of the Residual Mechanism.

88. During the reporting period, administration chiefs from the Tribunal participated in a retreat organized by the Registrar of the Residual Mechanism to ensure that the Residual Mechanism would be provided administrative services in the most effective and cost-efficient manner. The Tribunal anticipates that its administrative support to the Residual Mechanism will be gradually reduced as of the beginning of 2014, or earlier, where possible.

E. Office of the Prosecutor

89. The Residual Mechanism was formally launched in Arusha on 1 July 2012 by the Principals of the Mechanism. The Security Council had, on 29 February 2012, appointed the Tribunal Prosecutor as the Prosecutor for the Residual Mechanism with effect from 1 March 2012. This greatly facilitated the preparations for and coordination of key activities to establish the Residual Mechanism.

90. Much of the preparatory work for the recruitment of key staff, the acquisition of facilities and the negotiations with the Tribunal, the International Tribunal for the Former Yugoslavia, host countries and other Members States, in respect of witnesses, detainees and cooperation agreements already executed, was carried out prior to 1 July 2012.

91. Upon formal appointment, the Tribunal Prosecutor designated a number of professional staff of the Office of the Prosecutor of the Tribunal to double hat, by taking on responsibilities related to Residual Mechanism activities. Since 1 July 2012, several key staff members of the Office of the Prosecutor of the Residual Mechanism have been appointed by the Registrar. Investigation and tracking functions have been moved to the Residual Mechanism, whose investigators are based in Kigali. The Appeals and Legal Advisory Division of the Tribunal, in a double-hatted capacity, conducted the appeal before the Appeals Chamber of the Residual Mechanism, in respect of the Tribunal decision to transfer the fugitive case of *Munyarugarama* to Rwanda for trial. The Prosecution Division, pursuant to completing the updating of the files of the three key fugitives (Kabuga, Mpiranya and Bizimana) handed over the relevant files to the Prosecutor of the Residual Mechanism.

92. While Residual Mechanism staff have access to the relevant records of the Office of the Prosecutor of the Tribunal, the active records will be transferred in due course to the Prosecutor of the Residual Mechanism and the completed files and records to the Residual Mechanism archives. Coordination and close cooperation by the Residual Mechanism with the International Tribunal for the Former Yugoslavia and the Tribunal continue in order to ensure that the Residual Mechanism operates smoothly despite its current limited resources.

93. The full complement of staff of the Office of the Prosecutor of the Residual Mechanism, pursuant to ongoing recruitment, is expected to be in office by mid-December 2012. In order to ensure a smooth transition of appeal and mutual legal assistance functions from the Tribunal's Office of the Prosecutor to the Residual Mechanism's, the staff of the former will continue to double hat until the full complement of the latter's is in place.

94. Tracking functions have already been transferred to the Prosecutor of the Residual Mechanism. The full archives of the Office of the Prosecutor of the Tribunal are expected to be transferred to the respective Office of the Residual Mechanism upon completion of all Tribunal appeals and related litigation. In the meantime, as soon as the Residual Mechanism archives are established, materials no longer in active use will be transferred on an ongoing basis.

F. Archives

95. During the reporting period, one of the most significant developments related to the preparation of the Tribunal's archives for transfer to the custody of the Residual Mechanism was the approval of the Tribunal's retention schedule by the Office of Central Support Services on 27 August 2012. The retention schedule provides instruction on the appropriate disposal of the records created and received as a result of the work of the Tribunal, authorizes the destruction of the records of the Tribunal that have exceeded their retention periods and substantiates the work related to the preparation of the records to be transferred to the custody of the Residual Mechanism.

96. Another significant development in the archives transfer process was the promulgation, on 20 July 2012, of the Secretary-General's bulletin on information sensitivity, classification, handling of and access to the records of the Tribunals (ST/SGB/2012/3). The document, which is a result of the collaborative efforts of the Tribunal, the International Tribunal for the Former Yugoslavia, the Office of Legal Affairs and the Department of Management of the Secretariat, establishes the policy-level groundwork for the procedures on the classification of the records of the Tribunal prior to their transfer to the Residual Mechanism. It also establishes the basis for the security and access policies and procedures to be applied to the records after they have been transferred, as well as the practices to be put in place regarding the security, access and handling of the information and records generated as a result of the work of the Residual Mechanism.

97. Despite the challenges related to the staff retention and recruitment associated with the upcoming closure of the Tribunal, the work of preparing the records of the Tribunal for transfer to the Residual Mechanism has continued. All judicial records received to date, including over 2 million pages of paper-based records and nearly 37,000 hours of audiovisual recordings, have been digitized, and incoming materials

are being digitized as they are received. The rehousing of original materials and the verification of hardcopy judicial records against the associated metadata and electronic versions of the records has been completed for all 20,000 original transcripts and over 10,000 exhibits. The editing of nearly 9,000 hours of audiovisual recordings, representing 3,000 hours of proceedings, has been completed. To date, approximately 50 per cent of the paper-based judicial records have been rehoused and verified, and 15 per cent of the audiovisual materials have been edited. The Tribunal is in the process of recruiting additional staff to expedite the preparation of these records for the transfer.

98. While the Tribunal's Archives and Records Management Working Group continues to provide oversight and technical assistance across all offices of the Tribunal in the appraisal and disposal of records, the lack of appropriate storage space for the records continues to pose significant challenges to the disposal process and, ultimately, the transfer of the archive management function to the Residual Mechanism. Concerns related to the structural stability of many locations in the Arusha International Conference Centre, including the inadequate load-bearing capacity of the floors and irreparable water damage to the walls, have led to delays in the establishment of an adequate records repository, as have the limited resources available for renovations. The Archives and Records Management Working Group continues to work with the Tribunal's Division of Administrative Support Services to identify solutions to those challenges. It is anticipated that, by the first quarter of 2013, repositories suitable for the temporary storage of the records and archives under the custody of the Tribunal and the Residual Mechanism will have been constructed at the Centre's premises. The Tribunal will be in a position to transfer 25 per cent of its hardcopy records having long-term or permanent value to the custody of the Residual Mechanism by the end of 2012. However, the actual handover process will be dependent upon whether the renovations of the records repository have been completed by that time. The handover process will then be conducted in a phased manner, as records are prepared. The target date for the completion of the handover process is December 2014, bearing in mind that the records still being used to support the functions under the responsibility of the Tribunal cannot be transferred to the custody of the Residual Mechanism until the Tribunal is no longer responsible for the conduct of those functions.

99. In addition to preparing its archives for the transfer, the Tribunal has supported the transition process by providing information management support to the Residual Mechanism. This has included contributing to the development of practices for the receipt, registration and distribution of judicial filings, as well as providing substantive and technical support in the processing of incoming filings. Such support has facilitated the smooth transfer of 24 cases from the competence of the Tribunal to the competence of the Residual Mechanism.

IV. Conclusion and updated prognosis regarding the implementation of the completion strategy

100. During the reporting period, judicial and legal activity was mostly focused on the completion of the final trial judgement and on requests for referral of cases to Rwanda, and administrative activity concentrated on the downsizing of the Tribunal and on providing support to the Arusha branch of the Residual Mechanism, while

still continuing to provide support for the remaining judicial and legal work of the Tribunal. In June 2012, the Tribunal rendered its second decision to refer an accused in the custody of the Tribunal to Rwanda. Since then, the focus on referrals has been significant — six fugitive cases have now been referred to Rwanda, with the three remaining top-level fugitives to be tried before the Residual Mechanism. Current projections for the transfer of administrative services to the Residual Mechanism indicate that the Mechanism should begin to reduce its reliance on the Tribunal's administration in 2014.

101. Before the end of 2012, the Tribunal will deliver its final trial judgement. All evidence preservation hearings have now been completed and all referral applications at the trial level have been disposed of, with only one referral pending appeal. The arrangements necessary for the handover of judicial responsibilities to the Residual Mechanism are nearly complete. The Tribunal has also commenced the process of transferring records and archives to the Residual Mechanism, and a smooth transition of prosecutorial tasks is on track.

102. While it must be recalled that possibilities exist for contempt/false testimony cases to be heard by the Tribunal in the two cases where indictments were confirmed before 1 July 2012, each could commence shortly after arrests have been made and could be completed approximately six months after the start of trial. Thanks to the continued hard work and dedication of the staff, if no arrests are made in these cases, the Tribunal will complete all trial activities by the end of 2012. Moreover, barring any delays in the translation of trial judgements and related documents that the Defence is legally entitled to receive in a language that the accused can understand, all appeal judgements remain on track for completion by the end of 2014.

103. As the work at the Tribunal concludes, the Tribunal is striving with renewed vigour to preserve 18 years of international efforts to bring justice to Rwanda and to help to build sustainable peace in the region. The Tribunal's aim of seeking justice, national reconciliation and capacity-building remains strong, in order to ensure that the Tribunal may serve as an example for both creating and closing an international legal institution. Member States and Tribunal staff members have been indispensable in providing the support necessary for the Tribunal to become a court that has not only challenged impunity but has also added a new dimension to international law.

Annex I.A

Trial judgements delivered as at 5 November 2012 (54 judgements concerning 74 accused)

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
1	J.-P. Akayesu	*Bourgmestre* of Taba	30 May 1996	I	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	I	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, *Interahamwe* leader	14 December 1998	I	5 February 1999 (guilty plea)
4	C. Kayishema	*Préfet* of Kibuye	31 May 1996	II	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, Second Vice-President of *Interahamwe*	30 May 1996	I	6 December 1999
6	A. Musema	Businessman	18 November 1997	I	27 January 2000
7	G. Ruggiu	Journalist, Radio-télévision libre des mille collines (RTLM)	24 October 1997	I	1 June 2000 (guilty plea)
8	I. Bagilishema	*Bourgmestre* of Mabanza	1 April 1999	I	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	I	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	*Bourgmestre* of Bicumbi	16 February 1998	III	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	I	15 May 2003
12	J. Kajelijeli	*Bourgmestre* of Mukingo	19 April 1999	II	1 December 2003
13	F. Nahimana	RTLM Director	19 February 1997	I	*Media* case (joinder) 3 December 2003
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	II	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997	III	*Cyangugu* case (joinder) 25 February 2004
	E. Bagambiki	*Préfet* of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant, Forces armées rwandaises	27 November 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
16	S. Gacumbitsi	*Bourgmestre* of Rusumo	20 June 2001	III	17 June 2004
17	E. Ndindabahizi	Minister of Finance	19 October 2001	I	15 July 2004
18	V. Rutaganira	*Conseiller* of Mubuga	26 March 2002	III	14 March 2005 (guilty plea)
19	M. Muhimana	*Conseiller* of Gishyita	24 November 1999	III	28 April 2005
20	A. Simba	Lieutenant Colonel, Forces armées rwandaises	18 March 2002	I	13 December 2005
21	P. Bisengimana	*Bourgmestre* of Gikoro	18 March 2002	II	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, RTLM	30 September 2005	I	12 June 2006 (guilty plea)
23	J. Mpambara	*Bourgmestre* of Rukara	8 August 2001	I	12 September 2006
24	T. Muvunyi	Interim Commander, École des sous-officiers	8 November 2000	II	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	III	20 September 2006
26	A. Seromba	Priest, Kivumu *commune*	8 February 2002	III	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	III	23 February 2007 (guilty plea)
28	J. Rugambarara	*Bourgmestre* of Bicumbi	15 August 2003	II	16 November 2007 (guilty plea)
29	GAA	Witness before Tribunal proceedings	10 August 2007	III	4 December 2007 (contempt of Tribunal)
30	F. Karera	*Préfet* of Kigali	26 October 2001	I	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	III	24 September 2008
32	S. Bikindi	Musician	4 April 2002	III	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	III	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	I	*Military I* case (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General, Forces armées rwandaises	17 February 1998		
	A. Ntabakuze	Battalion Commander, Forces armées rwandaises	24 October 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
	A. Nsengiyumva	Lieutenant Colonel, Forces armées rwandaises	19 February 1997		
35	E. Rukundo	Chaplain	26 September 2001	II	27 February 2009
36	C. Kalimanzira	*Directeur de Cabinet*, Ministry of the Interior	14 November 2005	III	22 June 2009
37	L. Nshogoza	Former Defence Investigator	11 February 2008	III	2 July 2009 (contempt of court case)
38	T. Renzaho	*Préfet* of Kigali-*ville*	21 November 2002	I	14 July 2009
39	M. Bagaragaza	Director General of Government Office Controlling the Tea Industry	16 August 2005	III	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	I	17 November 2009
41	T. Muvunyi	Interim Commander, École des sous-officiers Camp	8 November 2000	III	11 February 2010 (retrial)
42	E. Setako	Lieutenant Colonel	22 November 2004	I	25 February 2010
43	Y. Munyakazi	*Interahamwe* leader	12 May 2004	I	30 June 2010
44	D. Ntawukulilyayo	*Sous-préfet* of Butare *préfecture*	10 June 2008	III	3 August 2010
45	G. Kanyarukiga	Businessman	22 July 2004	II	1 November 2010
46	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	II	1 December 2010
47	J.-B. Gatete	*Bourgmestre* of Murambi	20 September 2002	III	29 March 2011
48	A. Ndindiliyimana	Chief of Staff of Gendarmerie	27 April 2000	II	*Military II* case (joinder) 17 May 2011
	F.-X. Nzuwonemeye	Battalion Commander, Forces armées rwandaises	25 May 2000		
	I. Saguhutu	Second-in-Command, Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff, Forces armées rwandaises	21 August 2002		
49	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	II	*Butare* case (joinder) 24 June 2011
	A. S. Ntahobali	*Interahamwe* leader	17 October 1997		
	S. Nsabimana	*Préfet* of Butare	24 October 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
	A. Nteziryayo	*Préfet* of Butare	17 August 1998		
	J. Kanyabashi	*Bourgmestre* of Ngoma	29 November 1996		
	E. Ndayambaje	*Bourgmestre* of Muganza	29 November 1996		
50	C. Bizimungu	Minister of Health	3 September 1999	II	***Bizimungu et al.*** case (joinder) 30 September 2011
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
51	G. Ndahimana	*Bourgmestre* of Kivumu	28 September 2009	III	17 November 2011
52	E. Karemera	Minister of the Interior, Vice-President of Mouvement républican national pour le développement et la démocratie (MRND)	7 April 1999	III	***Karemera et al.*** case (joinder — third accused J. Nzirorera died on 1 July 2010) 21 December 2011
	M. Ngirumpatse	General Director at Ministry of Foreign Affairs, President of MRND	7 April 1999		
53	C. Nzabonimana	Minister of Youth in the Interim Government	20 February 2008	III	31 May 2012
54	I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009; further appearances 5 March 2010 and 7 October 2010	III	19 June 2012

Annex I.B

Case where trial judgement delivery is awaited: 1 case concerning 1 accused

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Comments*
55	A. Ngirabatware	Minister in the Interim Government	10 October 2008; further appearance on 9 February 2009	II	Trial started on 31 August 2009. Judgement expected December 2012

Annex II

Referrals pursuant to rule 11 bis for apprehended accused: 4 cases concerning 4 accused — 3 referred, 1 pending appeal

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Status*
56	W. Munyeshyaka	Clergy	not applicable (arrested in France)	not applicable	Case transferred to France on 20 November 2007
57	L. Bucyibaruta	*Préfet* of Gikongoro *préfecture*	not applicable (arrested in France)	not applicable	Case transferred to France on 20 November 2007
58	J. Uwinkindi	Pastor, Nyamata	9 July 2010	III	Motion for referral to a national jurisdiction granted, confirmed on appeal on 16 December 2011. Transferred to Rwanda on 19 April 2012
59	B. Munyagishari	Former President of *Interahamwe* for Gisenyi	20 June 2011	III	Motion for referral to a national jurisdiction granted by trial chamber on 6 June 2012; Appeal decision expected by January 2013

Annex III

Fugitives indicted by the Tribunal

Fugitive name	*Status as at 11 May 2012*
Augustin Bizimana	Residual Mechanism will be responsible for trial when arrested
Félicien Kabuga	Residual Mechanism will be responsible for trial when arrested
Protais Mpiranya	Residual Mechanism will be responsible for trial when arrested
Ladislas Ntaganzwa	Fugitive accused case referred to Rwanda
Fulgence Kayishema	Fugitive accused case referred to Rwanda
Charles Sikubwabo	Fugitive accused case referred to Rwanda
Aloys Ndimbati	Fugitive accused case referred to Rwanda
Charles Ryandikayo	Fugitive accused case referred to Rwanda
Phénéas Munyarugarama	Fugitive accused case referred to Rwanda